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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,773	02/05/2002	Akira Shibata	SHO 1008-01US	7568

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THE LAW OFFICE OF JOHN A. GRIECCI
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EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,773

Applicant(s)

SHIBATA ET AL.

Examiner

Victor S Chang

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1113. 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the "pore" 12 in Fig. 5 as described in the specification, page 12, third paragraph. Also, Fig. 11 (A) should be clearly labeled as "PRIOR ART" as described in the specification, page 15, first full paragraph. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 11 is objected to because of the following informalities:
In claim 11, line 5, please correct "concavity to --concave--.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 4, line 3 of each claim; and claim 11, lines 2-3, the phrase "arranged over" is vague and indefinite, i.e., it is not clear as to the scope of the arrangement, and the Examiner suggests to change it to --laminated to the surface of--. Additionally, the claims appear to be unclear as to which surface of the porous surface sheet is in contact with the food.

In claim 1, line 7, the phrase "depth direction" is vague and indefinite, the Examiner suggests to change it to --thickness direction-- so as to be consistent with the definition disclosed in the Specification, page 14, last full paragraph.

In claims 7, 10, 16 and 20, it is unclear just what the particular relationship of the various elements is as regards how they contact each other.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Applicants' admitted prior art.

It appears that Applicants have admitted that it is known art that a tray mat can comprise a non-woven fabric with a film having apertures pasted thereon which is used to absorb drips from the food, as disclosed in Japanese Utility Model Application Laid-open No. Hei 3-85886 and Japanese Patent Application Laid-open No. Hei 9-86569 (Specification, page 1, bottom paragraph). Additionally, Fig. 11 (A) depicts the tray mat according to Hei 9-86569 (Specification, page 15, first full paragraph).

For claims 1-7, although JP '027 lacks express teachings of the breathability (or ventilation resistance) of the absorption sheet and the thickness of the non-woven, it is believed that the porous absorption sheet is inherently breathable, and a suitable breathability of the absorption sheet and an appropriate thickness of the non-woven are either inherently disclosed, or an obvious optimization to one of ordinary skill in the art, motivated by the desire to obtain a sufficient drip flow rate and absorption capacity.

For claims 8-10, the apparent recitation of a method of using a plurality of drip absorption mats to build a stack in an article claim clearly fails to patentably distinguish the claimed invention.

8. Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art in view of JP 06-305027 (computer translation).

The teachings of Applicants' admitted prior art are again relied upon as set forth above.

For claims 11, 13 and 20, it is noted that the prior art shown in Fig. 11 (A) lacks a hollow cavity under the surface of the convex portion of the porous surface sheet. However, it is noted that JP '027 is directed to a drip mat with excellent drip passage. JP '027 teaches that the porous surface sheet can be formed by punching method to form funnel shaped holes with a wide opening at the outer surface (Abstract). As such, it would have been obvious to one of ordinary skill in the art to combine the teachings of the admitted prior art and JP '027 to form a drip absorption mat as in the instantly claimed invention, motivated by the desire to reduce the material cost.

For claims 12 and 19, a suitable air flow (or ventilation resistance) in the horizontal direction of the porous surface sheet (or drip mat) is believed to be either inherently disclosed by the combined teachings of the admitted prior art and JP '027, or an obvious optimization to one of ordinary skill in the art, motivated by the desire to obtain a sufficient drip flow rate. Also, in claim 19, the recitation of a method of use in an article claim clearly fails to patentably distinguish the claimed invention

For claim 14-16, JP '027 expressly teaches that the bonding is at the spot of the holes.

For claims 17 and 18, it is believed that a suitable film thickness of the porous surface sheet and the number of apertures are either inherently disclosed by the combined teachings of the admitted prior art and JP '027, motivated by the desire to reduce the cost of the material and to obtain a sufficient drip flow rate as set forth above.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In addition, the following references are cited of interest for making drip absorption mat:

Computer translation of JP 2001-009954, which is directed to a method for punching the film for a drip absorption sheet.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 703-605-4296. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

VSC
July 2, 2003

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1300

1700

Daniel Zinker